

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

LIONELLO PAUL ANGELLE ET AL

CASE NO. 6:18-CV-00272

VERSUS

JUDGE JUNEAU

TOWN OF DUSON ET AL

MAGISTRATE JUDGE WHITEHURST

JUDGMENT

THIS MATTER came before the Court on April 18, 2019 for oral argument on the Objections filed by all parties to the Magistrate's Report and Recommendation on the Motion to Dismiss filed by Defendants, Town of Duson; Chief Kip Anthony Judice, Individually; Officer Timothy Clyde Cannon, Individually; Officer Calvin Joseph Francis, Jr., Individually; and Officer Brian Thomas Poirot, Individually [Rec. Doc. 56]; and the Motion to Dismiss filed by Defendant, Thomas Blake Soileau, Individually, [Rec. Doc. 64].

After hearing the arguments of counsel, having conducted an independent review of the record, and for the reasons stated on the record, the Court adopts in part the Report and Recommendation of the Magistrate Judge previously filed herein. As to Defendant, Thomas Blake Soileau, Individually, the Court will grant the Motion to Dismiss in all respects. As to Defendant, Brian Thomas Poirot,

Individually, the Court will grant the Motion to Dismiss in all respects. As to the remaining Defendants, the Court will adopt the reasons of the Report and Recommendation having determined that the findings and recommendations are correct under applicable law, however, the Court will not place any restrictions on discovery at this time;

IT IS ORDERED that the Motion to Dismiss filed by Defendant, Lafayette Parish Sheriff's Deputy Thomas Blake Soileau, Individually, [Rec. Doc. 64], is **GRANTED** and all claims against him are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant, Duson Police Officer Brian Thomas Poirot, Individually, [Rec. Doc. 56], is **GRANTED** and all claims against him are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants, Town of Duson; Chief Kip Anthony Judice, Individually; Officer Timothy Clyde Cannon, Individually; and Officer Calvin Joseph Francis, Jr., Individually, [Rec. Doc. 56] is **DENIED**. The Court places no restriction on discovery at this time.

IT IS FURTHER ORDERED that the jury trial in this matter is hereby set for April 6, 2020 at 9:30 a.m. The pretrial conference is hereby set for March 25, 2020 at 1:30 p.m. in chambers. A separate scheduling order shall be issued.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 18th day of April,
2019.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE